

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

This relates to:

Plaintiffs' Master Administrative Long-Form Complaint and (if applicable)

This document relates to the Plaintiffs and Class Members listed in the table shown below

**PETITION TO ESTABLISH
ATTORNEY'S CHARGING LIEN**

Petitioner, Podhurst Orseck, P.A., formerly counsel to the Plaintiffs or class members in the table listed below, hereby petitions this Court, on behalf of itself and its co-counsel, to establish a charging lien under Florida law, for the reasons set forth herein, as to each of the below-listed former clients:

Plaintiff	Court	Case Name	Case No.
Darryl Ashmore	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Kevan Barlow	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Ben Coates	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Ben Coleman	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Chartric "Chuck" Darby	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Jay (Jamal) Foreman	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027

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Robert Harris	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Jeff Herrod	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Sean Hill	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Jacoby Rhinehart	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Jamal Robertson	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Derek H. Ross	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Tracy Scroggins	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Leon Searcy	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Taveres (T.J.) Slaughter	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Steve Smith	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Barron Tanner	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Kyle Turley	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Fred Weary	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Bernard Whittington	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Eddie "Boo" Williams	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Max Lane	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Willie Blade	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Edwin Mulitalo	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Armegis Spearman	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Michael Wiley	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Daryl Porter	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Robert Kratch	U.S.D.C., E.D.Pa.	<i>Jones v. National Football League, et., al.,</i>	12-cv-01027
Mike Arthur	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Carlton Bailey-Jones	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Donny Brady	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Jesse Chatman	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307

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Ken Dilger	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Michael Downs	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Demetric Evans	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Charles Frye	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Anthony G. Griggs	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Bobby J. Hamilton	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Kelvin Harris	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Ralph Pete Hunter	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Tyson Thompson	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Marques McFadden	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Torrin L. Tucker	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Tommy Barnhardt	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Douglas E. Evans	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Randy Fuller	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Ronald Humphrey	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Earl Little	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Anthony McCoy	U.S.D.C., E.D.Pa.	<i>Wooden v. National Football League, et., al.,</i>	12-cv-01307
Frederick Beasley	U.S.D.C., E.D.Pa.	<i>Garner v. National Football League, et., al.,</i>	12-cv-04634
Larry Bowie	U.S.D.C., E.D.Pa.	<i>Garner v. National Football League, et., al.,</i>	12-cv-04634
Charlie Garner, III	U.S.D.C., E.D.Pa.	<i>Garner v. National Football League, et., al.,</i>	12-cv-04634
Rafael Cooper (Webster)	U.S.D.C., E.D.Pa.	<i>Garner v. National Football League, et., al.,</i>	12-cv-04634
Thomas Tapeh	U.S.D.C., E.D.Pa.	<i>Garner v. National Football League, et., al.,</i>	12-cv-04634
Anthony Sherrod Davis	U.S.D.C., E.D.Pa.	<i>Jean-Gilles v. National Football League, et., al.,</i>	13-cv-02109
Gregory Favors	U.S.D.C., E.D.Pa.	<i>Jean-Gilles v. National Football League, et., al.,</i>	13-cv-02109
Rodney Bailey	U.S.D.C., E.D.Pa.	<i>Jean-Gilles v. National Football League, et., al.,</i>	13-cv-02109
Marcellus Rivers	U.S.D.C., E.D.Pa.	<i>Jean-Gilles v. National Football League, et., al.,</i>	13-cv-02109

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Albert Connell	U.S.D.C., E.D.Pa.	<i>Jean-Gilles v. National Football League, et., al.</i>	13-cv-02109
Walter Williams	U.S.D.C., E.D.Pa.	<i>Jean-Gilles v. National Football League, et., al.</i>	13-cv-02109
Brandon Haw	U.S.D.C., E.D.Pa.	<i>Jean-Gilles v. National Football League, et., al.</i>	13-cv-02109
Maurice A. Morris	U.S.D.C., E.D.Pa.	<i>Baty v. National Football League, et., al.</i>	12-cv-03215
Reginald Myles	U.S.D.C., E.D.Pa.	<i>Portis v. National Football League, et., al.</i>	13-cv-05192
Joseph Odom	U.S.D.C., E.D.Pa.	<i>Portis v. National Football League, et., al.</i>	13-cv-05192
David Ball	U.S.D.C., E.D.Pa.	<i>Portis v. National Football League, et., al.</i>	13-cv-05192
Paris Johnson	U.S.D.C., E.D.Pa.	<i>Portis v. National Football League, et., al.</i>	13-cv-05192
Freddie Lee Solomon, Jr.	U.S.D.C., E.D.Pa.	<i>Portis v. National Football League, et., al.</i>	13-cv-05192
Tyrone Rogers	U.S.D.C., E.D.Pa.	<i>Garner v. National Football League, et., al.</i>	12-cv-04634
Bruce Thornton	U.S.D.C., E.D.Pa.	<i>Cerqua v. National Football League, et., al.</i>	12-cv-06937
Adam Schreiber	U.S.D.C., E.D.Pa.	<i>Cerqua v. National Football League, et., al.</i>	12-cv-06937
Scott Tinsley	N/A	N/A (Un-filed Class Member)	N/A
Joseph J. Jefferson	N/A	N/A (Un-filed Class Member)	N/A
Torrance Marshall	N/A	N/A (Un-filed Class Member)	N/A
Omar Stoutmire	N/A	N/A (Un-filed Class Member)	N/A
Elijah Williams	N/A	N/A (Un-filed Class Member)	N/A

BASIS FOR THE CHARGING LIEN

1. Podhurst Orseck, P.A. (“Podhurst”) satisfies the requirements for an attorney’s charging lien under Florida law as to each of its above-listed former clients. *See generally Daniel Mones, P.A. v. Smith*, 486 So. 2d 559, 561 (Fla. 1986).

2. Podhurst had a signed contract for legal representation with each of its above-listed former clients for claims for damages against the National Football League arising out of head injuries they sustained while playing professional football. The contracts were signed and

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accepted by one or more Podhurst lawyers in Miami, Florida, such that Florida law governs the agreements.

3. Other law firms who referred the cases to Podhurst also appear on these contracts, and share in the contractual right to a fee. This Petition is intended to assert a lien on behalf of Podhurst along with its co-counsel law firms who appear on the contracts with the above-listed former clients.

4. The contracts expressly provided that Podhurst would be paid attorney's fees and reimbursed for reasonable costs expended on a contingency basis, out of any recovery earned for the client.

5. Podhurst and its co-counsel performed work on behalf of each of the above-listed former clients, including but not limited to some or all of the following: interviewing the client to gather information relevant to his claims, speaking with family members for the same purpose, collecting pertinent medical records, analyzing the client's standing for a claim, filing claims on their behalf in this multi-district litigation, updating them on the status of the litigation, fielding telephone calls with their questions about the case and potential benefits available under the settlement.

6. All of the above-listed former clients have served Podhurst with a notice of termination of employment.

7. These terminations were not for cause owing to any malfeasance by Podhurst or its co-counsel. Rather, many were communicated after the former client was solicited by competing law firms who offered to represent the clients for lower rates.

8. Although Podhurst has not yet sought to collect any fee from the above-listed former clients, it is presumed that they will dispute that they owe Podhurst or its co-counsel any compensation for the work done on their behalf.

9. This petition is being timely asserted in this action while it remains active, and the Court has reserved jurisdiction over the parties, their counsel, and all settlement class members, and to consider matters concerning attorneys' fees and costs. *See* ECF No. 6534, ¶¶ 15, 17.

Accordingly, Podhurst respectfully requests that the Court:

- (i) Determine its charging lien with respect to the above-listed former clients;
- (ii) Establish the amount of each such lien;
- (iii) Order that Podhurst be permitted to enforce its lien against the proceeds each of the above-listed clients may derive from the settlement reached in this action;
- (iv) Order that the Defendant, its insurer, and the Claims Administrator be prohibited from paying to each of the above-listed clients any such recovery under said lien has been satisfied; and
- (v) Grant such other relief as the Court deems just and appropriate.

Respectfully submitted,

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2017, I caused the foregoing Notice of Attorney's Lien, to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the above-captioned matter.

/s/ Steven C. Marks
STEVEN C. MARKS